

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RAMON MARISCAL ALVAREZ,

Plaintiff,

v.

ZAGARY Z. HELMS, THOMAS  
JEFFERSON, ANDREW WILLIAM,  
and CARLOS OYON,

Defendants.

NO: 2:20-CV-0216-TOR

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

BEFORE THE COURT is the Order to Comply with Filing Fee Requirements. ECF No. 10. The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, this action is dismissed without prejudice.

On June 9, 2020, Plaintiff, while confined at the Eastern State Hospital, filed a *pro se* civil rights complaint without paying the filing fee. ECF No. 1. Based on his assertion that he was facing criminal charges, the Court determined that he was

1 a “prisoner” as defined by the Prison Litigation Reform Act, 28 U.S.C. § 1915(h),  
2 and therefore obligated to pay the filing fee for this action. *See* 28 U.S.C. § 1915(a),  
3 (b). His *in forma pauperis* application was insufficient and Plaintiff did not comply  
4 with 28 U.S.C. § 1915(a)(2), which requires a prisoner seeking to bring a civil action  
5 without prepayment of the filing fee to submit a certified copy of his trust fund  
6 account statement (or institutional equivalent) for the **six months** immediately  
7 preceding the filing of the complaint.

8 Plaintiff was advised that before the Court may proceed with his civil action,  
9 he must either pay the applicable fee of \$400.00 (\$350.00 filing fee, plus \$50.00  
10 administrative fee) or comply with the *in forma pauperis* statute. ECF No. 10.  
11 Plaintiff was further advised that failure to do either within 30 days would result in  
12 the dismissal of this case. *Id.* No filing fee has been paid nor sufficient *in forma*  
13 *pauperis* application filed.

14 Parties filing actions in the United States District Court are required to pay  
15 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate  
16 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28 U.S.C.  
17 § 1915. Failure to pay the statutory filing fee will result in dismissal of these actions  
18 without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th Cir. 1995)  
19 (district court has authority to dismiss without prejudice prisoner complaint for  
20 failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890 (9th Cir. 1992)

1 (affirming dismissal of appeal of pro se litigant for failure to pay required filing  
2 fees).

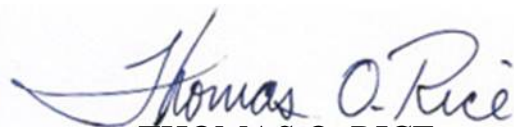
3 **ACCORDINGLY, IT IS HEREBY ORDERED:**

4 This action is **DISMISSED without prejudice** for failing to pay the filing fee  
5 or filing a properly completed Declaration and Application to Proceed *In Forma*  
6 *Pauperis* pursuant to 28 U.S.C. §§ 1914(a) and 1915(a). All pending motions are  
7 **DENIED as moot.**

8 The District Court Clerk is directed to enter this Order, enter judgment  
9 accordingly, furnish a copy to Plaintiff at his last known address, and **CLOSE** the  
10 file. The Court certifies any appeal of this dismissal would not be taken in good  
11 faith.

12 **DATED** August 11, 2020.



  
THOMAS O. RICE  
United States District Judge